

REMARKS/ARGUMENTS

The Applicant requests reconsideration of the rejections of claims 1 through 8 by the Action in view of the amendments to claims 1 and 2 and in view of the remarks set forth below. The Applicant also requests allowance of newly presented claim 9.

Paragraph 2 of the Action rejects claim 1, 3, 4, 6 and 8 under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 4,145,731 (Adamich). Adamich discloses a greeting card that is a sheet that is folded to form two overlying pages. A sheet of flexible material overlies and is mounted to one of the two pages so that the sheet of flexible material is between the two pages when the greeting card is folded. The flexible sheet has a spiral cut of decreasing diameter that extends from a starting point that is separated from the center of the flexible sheet to a location near the center of that sheet. The spiral cut forms a spiral band of flexible material. A tree formation is created by the spiral band when the center of the flexible sheet is pulled upwardly from the card. The tree formation is supported by positioning a rigid rod between the center of the flexible sheet and the page to which the flexible sheet is mounted. Col. 1 line 57 – col. 2 line 20, Figs. 1 – 3. The flexible sheet that forms the tree formation is mounted to only one of the two pages and the tree formation does not open as a result of opening the overlying pages of the greeting card.

Adamich does not disclose a package decoration and also does not disclose a pop-up display that opens when a folded panel is opened. Rather, Adamich discloses greeting card having a tree display that is affixed to one page that must be manipulated from a collapsed configuration to form a display. The tree display of Adamich is opened from a collapsed position on the page to which it is mounted by grasping the center of the display and moving the center away from the page to which the display is mounted. The display is maintained by a rigid support that must be positioned within the display after the display is extended from the page.

Paragraph 3 of the Action rejects claims 1 through 8 under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 3,026,639 (Lille). Lille discloses a display card having a display portion and a fastening portion. The display portion has a fold line along which the card folds to form two panels. Col. 1 line 51 – col. 2 line 4. The fastening portion defines an aperture 23 that

retains a hank of decorative ribbon within the aperture. Col. 2 lines 15 – 29, lines 30 – 57. Loops of ribbon form the hank of ribbon. When those loops are spread and twisted, they form a bow that is held within the aperture of the fastening portion of the gift card. Col. 2 line 58 – col. 3 line 15.

Lille does not disclose a pop-up display, and doesn't have any display that opens when a foldable panel is opened. The ribbon bow of Lille is not a pop-up display. The hank of ribbon becomes a bow when it is manipulated, not as a result of opening the folded card. No display is affixed to the panels of the folded display portion of the Lille gift card.

Paragraph 4 of the Action rejects claims 1, 2, and 4 through 8 under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 4,627,640 (Markovics). Paragraph 6 of the Action rejects claim 3 under 35 U.S.C. §103(a) as being unpatentable over Markovics. Markovics discloses an album or book assembly that has a front cover, a rear cover hinged to the front cover, and folded pages that are joined to each other to form a strip that is joined at its opposite ends to the front and rear covers of the album. Col. 1 line 46 – col. 2 line 3. Each page folds into a collapsed position between the covers when the covers are closed and opens to a flat sheet when the covers are opened. Col. 2 line 64 – col. 3 line 5, Figs. 3 – 5. In one embodiment a ribbon is attached to the front cover and another ribbon is attached to the rear cover so that the ribbons can be tied to hold the album closed. Figs. 1 – 5, col. 2 lines 62 – 65.

Markovics does not disclose a package decoration but rather discloses an album or book assembly. Col. 1 lines 6 – 9. Markovics does not disclose a pop-up display. The album disclosed by Markovics has sheets that fold to a compact configuration when the album is closed and that unfold to be flat when the album is opened. Col. 3 lines 1 – 3.

Claim 1 has been amended to clarify that the pop-up display that is part of Applicant's claimed package decoration is affixed to each of two sections of a foldable panel and forms a three dimensional display when the sections of the foldable panel to which the pop-up display is affixed are opened from an overlying configuration to an open configuration in which the sections extend away from each other at the fold line at which the sections meet. Adamich does not disclose a package decoration but rather discloses a greeting card that has a display. That

display is affixed to only one panel and that does not open as a result of opening folded panels. Lille discloses a package decoration that includes a ribbon bow and a folded gift card. The Lille decoration doesn't have any pop-up display, let alone one that is affixed to sections of a folded panel or that opens when the folded panel is opened. Markovics does not disclose a package decoration but rather discloses an album. That album has pages that open to a flat configuration, not to a pop-up display. None of those references, nor any other reference of record, teach or suggest Applicant's invention as now claimed by claim 1. Claim 1 should be allowed and that action is requested.

Claims 2 through 9 depend directly or indirectly from claim 1. Those claims are also allowable for at least the reasons that claim 1 is allowable.

Claim 2 has been amended to recite that the package decoration of claim 1 further comprises a band that holds the foldable panel to the package and extends around the panel. Claim 9, which depends from claim 2 has been added to recite that the band is a ribbon. In addition to being allowable for the reasons that claim 1 is allowable, claims 2 and 9 are allowable because the prior art does not teach or suggest the combination of foldable panel and pop-up display having a band that holds the display to a package.

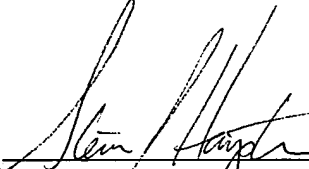
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Conclusion

For the reasons set out above, and in view of the amendments, the Applicant submits that the claims of this application, claims 1 through 9, are in condition for allowance. Allowance of those claims is requested. If the Examiner believes that a discussion of these claims would be useful, the Applicants request that the Examiner contact Applicants' undersigned attorney at (312) 775-8114. Please charge any additional fees or credit overpayment to the deposit account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

Respectfully submitted,

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Amendments to the Drawings:

None.